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Cont.P.No.3016 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

Cont.P.No.3016 of 2023

M.Shanmugam

... Petitioner

Vs.

1.Mr.Dinesh Ponraj Oliver, IAS,
Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai – 600 028.

2.Mr.Arivazhagan,
District Registrar- Chengalpattu District,
No.10, Kanchipuram High Road,
Chengalpattu Bazaar,
(Near Sub Jail, Opp. St. Joseph School)
Chengalpattu – 603 002.

3.Mrs.Sathyapriya,
Joint Sub-Registrar-II,
Chengalpattu,
No.10, Kancheepuram Main Road,
Chengalpattu – 603 002.

... Respondents

Prayer : Petition filed under Section 11 of the Contempt of Courts Act,
1971, to punish the respondents for committing contempt of Court for



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willful disobedience of the orders of this Court dated 28.06.2023 in

W.P.No.12941 of 2023.

For Petitioner : Mr.PVS.Giridhar
Senior Counsel
for M/s.PVS Giridhar Associates

For R1 to R3 : Mr.B.Vijay
Additional Government Pleader

ORDER

The Contempt Petition has been instituted to punish the respondents for their willful disobedience of the order passed by this Court in W.P.No.12941 of 2023 dated 28.06.2023. This Court passed the following order :

“6.In view of the facts and circumstances, the order impugned passed by the third respondent in proceedings RFL/Book 2/2/23 in Letter No.136 in Doc.No.P49/2023 dated 23.02.2023 is quashed. The respondents are directed to register the document presented by the petitioner as expeditiously as possible and by following the procedures as contemplated if the document is otherwise in accordance with the provisions of the Registration Act.



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7. With the above directions, the present writ petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.”

2.Mr.PVS.Giridhar, learned Senior Counsel appearing for the contempt petitioner, would submit that this Court directed the respondents to register the document presented by the writ petitioner by following the procedures as contemplated, if the document is otherwise in accordance with the provisions of the Registration Act. The learned Senior Counsel would proceed by stating that, now the Registering Authority is insisting the petitioner to pay stamp duty again on the represented document which is not in accordance with the provisions of the Registration Act and therefore, they have committed contempt of Court.

3.Mr.B.Vijay, learned Additional Government Pleader, would oppose by stating that, as per the written instructions given by the District Registrar (Administration), Chengalpattu, the contempt petitioner has not represented the document after taking back based on the return of document by the Registering Authority. Since the original document was



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not represented by the petitioner himself, the contempt petition need not be entertained. Further, it is contended that this Court has directed the Registering Authority to follow the procedure as contemplated under the Registration Act. This Court has not adjudicated the issues on merits regarding the defects or otherwise which is to be looked into by the Registering Authority while scrutinising the document. Thus, the Contempt Petition is to be rejected.

4.Mr.PVS.Giridhar, learned Senior Counsel, would submit that the contempt petitioner has represented the document, but the learned Additional Government Pleader is insisting to represent the same. However, the said statement is disputed by the learned Additional Government Pleader.

5.The copy of written instructions given by the District Registrar, Chengalpattu, would reveal that the petitioner M.Shanmugam has taken back the document bearing No.P49/2023 on 19.01.2024. The District Registrar further states that the said document has not been represented. The written instructions are signed on 04.07.2024. Therefore, it is to be construed that the petitioner has not represented the document till



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6.If at all the document is not represented by the petitioner, the petitioner is at liberty to represent the same. Regarding the contentions raised on behalf of the petitioner, this Court, in clear terms, directed the respondents to register the document presented by the petitioner by following the procedure as contemplated, if the document is otherwise in accordance with the provisions of the Registration Act. Therefore, this Court has not gone into the merits and correctness of the document presented by the petitioner before the Registering Authority. Such an endeavor cannot be undertaken by the Writ Court and it is for the Registering Authority to scrutinise the correctness of the document by following the due process. When the document is presented for registration, while scrutinising the document, if the Registering Authority finds some defects or regarding compliance of any other requirement under the Act, it is for the petitioner to satisfy the Registering Authority in accordance with law. If claiming stamp duty by the Registering Authority is not in accordance with law, as per the petitioner, it is for the petitioner to initiate appropriate action in the manner known to law. However, this Court do not find any willful contempt or otherwise warranting further



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action.

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7. Consequently, this Contempt Petition stands dismissed.

05.07.2024

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Internet : Yes

Index : Yes

Speaking order / Nonspeaking order

Neutral Citation : Yes / No

To

1. The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai – 600 028.
2. The District Registrar- Chengalpattu District,
No.10, Kanchipuram High Road,
Chengalpattu Bazaar,
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S.M.SUBRAMANIAM, J.

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